AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Canceled)

2. (Currently amended) A recombinant herpesvirus as claimed in claim 29, ~~which does not exhibit any reversion to the wild type~~ wherein after three dilution steps in a plaque purification no visible reversion to the wild type is observed.

3. (Previously amended) A recombinant herpesvirus as claimed in claim 29, which additionally comprises a reporter gene.

4. (Previously amended) A recombinant herpesvirus as claimed in claim 29, which is selected from the group of Herpesviridae comprising herpes simplex virus (HSV), cytomegalovirus (CMV), pseudorabies virus (PRV) and Epstein-Barr virus (EBV) and other members of the herpesvirus family.

5. (Original) A recombinant herpesvirus as claimed in claim 4, which is a herpes simplex virus (HSV).

6. (Currently amended) A recombinant herpesvirus as claimed in claim 5, which is the HSV-1 ~~mutant~~ strain 1802.

7. (Previously amended) A recombinant herpesvirus as claimed in claim 29, which is a mutant which is completely or partially replication-deficient.

8. (Previously amended) A recombinant herpesvirus as claimed in claim 29, wherein the insertion does not encompass the complete AAV ITR sequence.

9. (Previously amended) A recombinant herpesvirus as claimed in claim 29, wherein the AAV rep gene and the AAV cap gene are inserted in the U_L or the U_L region of the herpesvirus.

10. (Previously amended) A process for preparing a recombinant herpesvirus as claimed in claim 29, wherein the AAV rep gene and the AAV cap gene are stably integrated into the genome of the herpesvirus.

11. (Original) The process as claimed in claim 10, wherein the rep gene and the cap gene are integrated into the herpes genome by restriction cleavage/ligation or by homologous recombination.

12. (Currently amended) The process as claimed in claim 10, wherein ~~use is made of~~ the herpesvirus is an HSV mutant which possesses a unique restriction site.

13. (Currently amended) The process as claimed in claim 11, wherein ~~use is made of~~ the herpesvirus is an HSV mutant which is completely or partially replication-deficient.

14. (Canceled)

15. (Previously amended) A vector, which comprises a nucleic acid as claimed in claim 30.

16. (Previously amended) A viral composition which comprises a recombinant herpesvirus as claimed in claim 29.

17. (Original) A composition as claimed in claim 16, which is free of wild-type herpesvirus.

18. (Currently amended) A process for preparing infectious AAV vector preparations, comprising the steps of:

a) preparing a viral vector which is ~~based on adeno-associated viruses (AAVs)~~ an adeno-associated virus (AAV) vector

b) preparing a recombinant herpesvirus as claimed in claim ~~30~~ 29,

c) introducing the AAV vector from (a) and the recombinant herpesvirus from (b) into a cell,

d) replicating the AAV vector, and

e) obtaining an infectious AAV vector preparation.

19. (Original) The process as claimed in claim 18, wherein the AAV vector and the recombinant herpesvirus are introduced into the cell by infection.

20. (Previously amended) The process as claimed in claim 18, wherein an encapsulated rAAV preparation is obtained.

21. (Previously amended) The process as claimed i claim 18, wherein use is made of a replicatable recombinant herpesvirus.

22. (Previously amended) The process as claimed in claim 18, wherein use is made of a non-replicatable recombinant herpesvirus.

23. (Previously amended) A cell, which contains a recombinant herpesvirus as claimed in claim 29.

24. (Currently amended) A cell as claimed in claim 23, wherein the recombinant herpesvirus ~~or vector~~ has been introduced by infection.

25. (Previously amended) A cell as claimed in claim 23, which additionally contains a recombinant AAV vector.

26. (Original) A cell as claimed in claim 25, wherein the AAV vector contains a heterologous DNA insert which encodes a therapeutically active polypeptide.

27. (Previously amended) A cell as claimed in claim 23, which is a BHK cell, a Vero cell or a HeLa cell.

28. (Original) A process for producing infectious AAV vector preparations, with an AAV vector and a helper virus being introduced into a cell, the AAV vector being replicated and an infectious AAV vector preparation being obtained from the cell and/or the culture supernatant, wherein the AAV vector and the helper virus are introduced into the cell by infection.

29. (Previously presented) A cell, which contains a vector as claimed in claim 15.

30. (Currently amended) A recombinant herpesvirus, which contains a rep and a cap gene ~~derived~~ obtained from adeno-associated viruses (AAVs) and operatively linked to an expression control sequence, with the rep gene and the cap gene being located on an insert which is integrated in the genome of the herpes virus.

31. (Currently amended) A nucleic acid which comprises the helper functions of a herpesvirus genome which are required for replicating adeno-associated viruses (AAVs) and, inserted therein, a rep gene and a cap gene ~~derived~~ obtained from AAVs, in each case operatively linked to an expression control sequence, with the rep gene and the

cap gene being located on an insert which is integrated in the genome of the herpes virus.